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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,126	07/31/2003	Jeffrey L. Huckins	ITL.1037US (P17124)	2466

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EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/631,126

Applicant(s)

HUCKINS, JEFFREY L.

Examiner

Marivelisse Santiago-Cordero

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-11.
Claim(s) withdrawn from consideration: 12-15.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

CONTINUATION SHEET

Continuation of 11:

1. Applicant's arguments filed on 5/4/06 have been fully considered but they are not persuasive.
2. Applicant argues that there is no credential information transmitted from one Bluetooth device to another (Remarks: page 5, 1st paragraph). In response, it is noted that the features upon which applicant relies (i.e., from one Bluetooth device to another) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
3. Applicant argues that Kotola does not transmit information related to credential information and that it is improper to parse the phrase "to enable operation of the system" out of the claim (Remarks: page 5, 2nd paragraph). In response, Kotola discloses in paragraph [0027] that a controllable device requests bonding. In addition, it states that bonding ensures that only authorized users will have the ability to control the controllable device. It also states that bonding requires the exchange of information. Furthermore, paragraph [0006] discloses that bonding is relevant to BLUETOOTH connections between devices where authentication is required, and that authentication usually involves an exchange of secret information, such as a PIN, to ensure that only authorized devices has access to particular devices. Therefore, Kotola's method does transmit information related to credential information. In addition, the Examiner contends that nowhere in the Office Action the phrase "to enable operation of the system" is

parsed. Kotola clearly discloses controlling a device from a different device (paragraph [0009]), i.e., enabling operation. Kotola's abstract further provides support for this limitation.

4. In response to applicant's argument that a *prima facie* rejection is not made out because the references only concern themselves with authenticating wireless users, not preventing authorized users from accessing a computer system (Remarks: page 5, 3rd paragraph), the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). In addition, it is noted that the features upon which applicant relies (i.e., not preventing authorized users from accessing a computer system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further, Applicant appears to be confused with the examiners combination of Kotola in view of Flodén. As stated in the last Office Action, Kotola discloses every limitation of the claim except for accessing credential information **in a subscriber information module**. Which would have been obvious at the time of invention by applicant for the advantages of securing transmissions and fraud prevention (See Final Rejection: page 7, 3rd-4th paragraphs).

5. Applicant argues that the rejection of claim 1 under 102(b) as being anticipated by Flodén seems to be inconsistent with the 103(a) rejection under Kotola in view of Flodén (Remarks: page 5, 6th paragraph). In response, these are independent rejections; therefore, immaterial arguments.

6. Applicant argues that there is no way that Flodén teaches claim 1 (Remarks: page 5, last paragraph). In the same paragraph, Applicant argues that something in Flodén corresponds to requesting operation of a processor-based system and that no such limitation is claimed. In response, Applicants arguments are contradictory to the claim language. Claim 1 clearly states “in response to a request to operate a processor-based system”. Moreover, Applicant argues that nothing in Flodén has anything to do with receiving a wireless signal in a handheld device in response to a request to operate a processor-based system (Remarks: page 5, last paragraph through page 6, 1st paragraph). In response, Fig. 1, references 32 and/or 34, alone or in combination, gives the wireless signal received in a handheld device (see also col. 5, lines 40-42 for support), note that authentication server sends a request for a password to the SMS which forwards it to the mobile terminal, i.e., the handheld device (col. 8, lines 27-33). Also note that this process is done in response to a request to operate a processor-based system (col. 8, lines 23-30).

7. Applicant argues that no subscriber information modules are mentioned anywhere (Remarks: page 6, 2nd paragraph). In response, the Examiner makes reference to Flodén’s Fig. 1, reference 26 and col. 5, line 35 where it clearly discloses the subscriber information module (note the SIM).

8. Applicant argues that there is no credential information that is forwarded to a processor-based system to be operated (Remarks: page 6, 3rd paragraph). The claim requires credential information to enable operation of the system. This is not the same as what is being argued. Nevertheless, Flodén discloses credential information that is forwarded to a processor-based

system to be operated (col. 8, lines 40-44). In addition, the claim is interpreted given its broadest reasonable interpretation. Accordingly, the limitation “operate” reads on the applied prior art.

9. Applicant argues that in Kotola there is no receiving a wireless signal in the handheld device in response to a request to operate a processor-based system (Remarks: page 6, 5th paragraph). Paragraph [0009] of Kotola teaches a second device requesting ability to control the device, i.e., a request to operate a processor-based system. In addition, it states that in response, the first device request to the second device bonding for authentication. This request for bonding is the wireless signal.

10. Applicant argues that paragraphs [0026]-[0027] are unrelated (Remarks: page 6, 5th paragraph). In response, these paragraphs clearly disclose the method claimed, and that in response to the request, the controllable device requests bonding for authentication.

11. Applicant argues that the rejection of Kotola in the Office Action is inconsistent and that the suggestion of the motivation does not make sense (Remarks: page 6, 6th-7th paragraphs). In response, Applicant appears to be confused with the examiners combination of Kotola in view of Flodén. As stated in the last Office Action, Kotola discloses every limitation of the claim except for accessing credential information **in a subscriber information module**. Which would have been obvious at the time of invention by applicant for the advantages of securing transmissions and fraud prevention (See Final Rejection: page 7, 3rd-4th paragraphs).


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